

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Monte S. Leach

Amended Complaint!
12 Civ. 2141 (AJN)

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

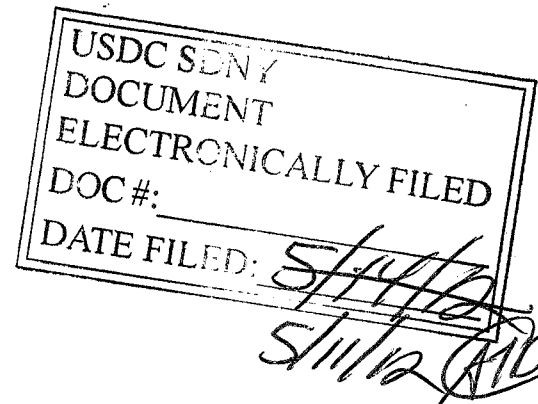
The State of New York
The City of New York
Ocas Office of Alcohol and Substance Abuse
Samaritan Village - Van Wyke

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Monte S. Leach
ID # 113-110-1135 / N: 05426580 M
Current Institution 18-18 Hazen St. East Elmhurst, N.Y. 11370
Address Rikers Island

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name The State of New York Shield # _____

Where Currently Employed Office of Atty. General

Address Capital Building, Albany, N.Y. 1224-0341

Office of Atty. General, 120 Broadway, 24th Fl. N.Y. NY 10271-0532

Defendant No. 2 Name The City of New York Shield # _____

Where Currently Employed _____

Address 100 Church St. N.Y. NY. 10007

Defendant No. 3 Name Office of Alcohol & Substance Abuse Services Shield # _____

Where Currently Employed _____

Address 501 7th Ave, N.Y. N.Y. 10016-5903

Defendant No. 4 Name Office of Alcohol & Substance Abuse Services Shield # _____

Where Currently Employed _____

Address 1450 - Western Ave, Albany, NY. 12203-3526

Defendant No. 5 Name Samaritan Village - Van Wyke Shield # _____

Where Currently Employed _____

Address ~~100-100 Van Wyke Expressway, Jamaica, N.Y. 11435~~

88-83 Van Wyke Expressway, Jamaica, N.Y. 11435

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? Samaritan Village - Van Wyke Treatment Center.

B. Where in the institution did the events giving rise to your claim(s) occur? Thru out the whole facility, Most of the events occurred on the first flr. of said facility. The Main flr.

C. What date and approximate time did the events giving rise to your claim(s) occur? I first entered the said facility on March 2, 2011. Most of the events occurred sometime on or during the 1st of April thru May 27th 2011.

① ~~Carlos~~ ^{Castro} a said counselor at the said facility combined with the harassing comments of his assistant director a said Harry Scott both on separate occasions verbally harassed me with sexual comments that I feel were sexually harassing on at least eleven occasions (combined). The said ~~Carlos~~ ^{Castro} would just about every time we would pass each other in the halls of the said facility, when and if no-one was in the vicinity, would comment under his breath as he would pass me "Suck Dick!" or I pass him. This I feel was brought on by an incident in which I was participating in a group or class he was giving where he unprofessionally bent of his way I feel!) to single me out stand directly behind me, as I sat in my chair and basically had his private parts touching up against my back! Once I let him know that I didn't take kindly, to him standing behind me in such fashion, he then, purposely stepped from behind me stepped on the side of me, (which side first I'm not sure) then proceeded to turn

(2)

toward's me (as I sat) until his private parts were basically at my face and eye level, so as if I were to turn my face in his direction (mind I'm facing forward) I would have had my face directly inches away from his private parts! I again politely complained about my uncomfortableness with him standing so close and in my presence in such a fashion when there was plenty of room in the middle of the class or group. (since the chairs were set in circular form) He just walked to the other side of me, and stood in the same fashion as before! When I told him the same thing again and that I felt he was being improper and unprofessional in light of all the space in the middle of the group and that I felt by him addressing the class from the middle of the circle showed lack of discipline on his part! He then pulls a reverse psychology move, storms out the room to Mr. Harry Scott's office, stating "I was out of

③ Place for calling him out in front of the class or group like that. Then he and Harry Scott have me placed out of the class, has me sit in the hall facing the wall (on the first floor of facility) so as to embarrass me in front of the other clients as well as staff. This incident happened sometime between April & May if not towards the end of March.

Lastly upon the month of May, I was discharged from the said facility after another client started a fight with me after he runs up on me after leaving the said Harry Scott's office (I was pulling fire guard sitting not far from his office) (Harry Scott was present at the time of this incident accidentally and kisses me on my lips. Mind, Clients and staff saw this - and so I push him out my face, holding back my instinct to punch this guy yet as soon as I push this client out of my face, Harry Scott just happens to be standing at the entrance of his office (again on the first floor) Discharges me stating that I broke physical (an unwritten rule at said facility) yet he says nothing of the fact that this client (John, Doe) caused a loud disturbance as he leaves his office (John, Doe) as if he was gonna attack me, then kisses me on the lips (breaking physical, first huh?)

I now believe that this client a ~~said~~ (John Doe) (I'm sure Harry Scotts knows his name!) was in cahoots with the said Harry Scott, and possible the said Carlos ~~Castro~~ (Castro) also, citing I could have sworn that I saw the said Carlos Castro person as all the commotion erupted!

This last incident occurred sometime on or before

May 27, 2011.

Also, I spoke with a Mr. Koronios (347) 1070
my legal counselor thru the Brooklyn Treatment courts. I spoke with him on a few occasions about what I felt was the sexual impropriety going on there at the said "Samaritan Village" - Van Wyke Treatment Center, perpetrated by a few staff members, as well as a few clients. On one occasion he had me speak with his supervisor at the time a Susan Sturgezes, I spoke with her and him about the same improper behavior's going on there and how it was making me feel uncomfortable. I didn't get into detail as in this report for the reasons stated on pages 3, 4, 5, 6.

20110527

on about at least eleven times, a said Harry Scott, assistant director of said facility (Samaritan Village - Van Wyck) and a said counselor there (a Carlos, last name unknown at this time!) combined on separate occasions, verbally harassed me, stating sexual obscenities like "Suck Dick" and a sexual oriented epitaph such as "Learn to do favors!"

D. Facts:

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

While I was mandated there thru the Brooklyn Treatment court 320 Jay St Bklyn, N.Y. 11201 a Judge Ferdinand Presiding. These two persons would state these "epitaphs" starting on or about April 1st until my discharge on or about May 20th 2011. These words would be said under their breath in such a way so as not to be overheard by anyone else as they would pass me thru the halls of the said facility or I would happen to pass them, given no-one was around directly enough to hear them. The said Harry Scott always stating "learn to do favors" referring to a time I had asked him for a few minutes of his time in reference to a problem I was having with another client there a Mr. Muhammad, who kept bumping up upon my rear end "at every house meeting we would have which would be at least three times a day! This person somehow would seem to be sitting behind me at all these house meetings and would harass me in such a manner during the meetings by slyly bumping up behind my chair, or either put his feet under my chair and like lay his feet upon my feet, like he was flirting with me or something! this was an everyday event as well as the intentional bumping up upon my rear end trying to act like he was doing this by accident, at least during the whole month of April and probably thru parts of May!

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. (continued on back pages)

As treated At NYC-Doe Mental Health - Rikers Island
Depression, Anxiety, Distress, undue stress
Hyper-tension, stress disorder (Post-traumatic) loss of freedom
interference of daily commerce, loss of income, loss of property
Insomnia, musculoskeletal pain in neck and shoulders, sleep deprivation, mental exhaustion, physical exhaustion, irritability, mood swings, paranoia, cruelty, unusual punishment, mental torture, which lead to physical torture as mentioned in above! Ailments.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes _____ No ☒

I now believe that this Muhamed person, was in cahoots with the said Harry Scott ~~person~~, citing as the said Muhamed person seemed to be making extreme forward progress in the said program and began working for the said Harry Scott person on or about the beginning of April exclusively in Harry Scott's office, while at the same instant coincidentally this is when the problems began between myself and this Muhamed Person. Also I would like to state that this instant forward progress this Muhamed person seemed to be making in the program which included special privileges like if a person (client) put in a complaint slip on him which I had also did on several occasions, these complaint slips or client infractions clients can give each other, seemed to be overlooked in the case of this Muhamed Person. It also seemed that though this Muhamed person could not speak proper English correctly and entered the program sometime way after myself and a few other english speaking clients sure seemed to be progressing faster than these other clients as well as myself! I mean speaking clear and proper english in such a setting or position in which he was put in where other clients would have to ask of his assistance and where your giving other clients so called orders, would seem to be the proper qualifications for a person who only seemed to be making forward progress faster than clients who speak clear and proper english and who were in the program at least a few weeks before this said Muhamed person, seemed quite strange at least as far as I'm concerned.

So on or about April 17th I hit the said Harry Scott for a few minutes of his time as to speak with him concerning the problem I was having with it.

after dropping a few slips on the said Muhammed person as stated a few lines ago in this paragraph. The said Harry Scott then brushes me off stating that he only had time to speak with me if and only if "I knew how to do favors". In which I responded with "what's that supposed to mean?" He then responds with "U know favors" in a manner I felt spelled sexual overtones. I then responded "I don't do favors (citing that I've had past experiences with these kind of overtones) and walk off."

I also would like to state that I feel the said Harry Scott put this client the said Mr. Muhammed ~~and another client~~ a ~~said John Doe~~ Up to another incident in which I cited the said client Muhammed leave the said Harry Scott's office after a house meeting on or about the night of May 1st 2011, walk up behind me as I spoke with a female client ~~and~~ as we strolled past the office of the said Harry Scott, The said client Mr. Muhammed walked up behind me, (with all but enough space to walk around us) and Purposely bump up upon my rear end, in such a manner I felt was of a sexual hidden Agenda. Since I felt he also set out to try to embarrass me in the sights of the female client and five other clients around at the time, I told him about himself and the next thing I was being brought up on threatening charges by the said Client Muhammed and the said Harry Scott.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ☒

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ☒

If YES, which claim(s)?

N/A

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ☒

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

N/A

1. Which claim(s) in this complaint did you grieve?

N/A

2. What was the result, if any?

N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I spoke with a Mr. Korones a drug treatment Counselor for the Bklyn Treatment Courts. 320 Jay St. Bklyn NY. 11201 (347) 296-1070. He later had me speak with his supervisor at the time, A Susan Sturges.

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

informed, when and how, and their response, if any: As I stated previously, I spoke with a Mr. Kororos who had me speak with a Susan Sturges about what I felt was a series of sexual impropriety and unprofessionalism goings on there at the said facility. I generalized about staff as well as clients. I at least spoke with Mr. Kororos at least twice about such goings on

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I personally felt at that particular time, that it was of my best interest to finish the said program and put up with the harassment and sexual unprofessionalism and immaturity as well as improper behavior as best I could until I finished the classes and graduated the program. I didn't wanna make waves at the time, as I wanted to finish the said program and get the unjustified charges pending against me dropped! I didn't want to get improperly discharged before then.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). Establish an oversight committee which operates to resolve complaints of any nature lodged by a participant of said programs. Provide appropriate resolutions with courts to impose civil/criminal sanctions against defendants via Federal and or State civil/criminal courts. Order facility to implement a practicle grievance program and enforceable policies, which forbid improper, unprofessional, unethical, illegal misconduct of all kinds, including especially sexual harassment and sexual misconduct! Order the defendants to pay appropriate restitution in the amounts of \$ 111,111.00 for potential earned Income loss. Revert cost of all plaintiffs dues ~~paid to the facility~~ paid to the said facility. Order the state to pay the plaintiff civil damages in the amount of \$ 1,111,111.00 as well as the rest of the Defendants. Order the City of New York as well as all the rest of the Defendants to pay the Plaintiff civil Damages also in the amount of \$ 1,111,111.00 for a total of \$ 2,222,222.00 in civil Damages!

On
these
claims

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☒ No ___

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Monte S. Leach with Trocie A. Sundack & Associates, L.L.C.

Defendants City of New York, Dept. of Correction, Prison Health Services, etc.

2. Court (if federal court, name the district; if state court, name the county) Bklyn, N.Y.?
Queens, N.Y.? Bronx, N.Y.? Could be all of the above!

3. Docket or Index number unknown

4. Name of Judge assigned to your case unknown

5. Approximate date of filing lawsuit unknown

6. Is the case still pending? Yes ☒ No ___

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

Still Pending!

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of May, 2012

Signature of Plaintiff

Monte D. Zuck

Inmate Number

113-110-1135/N:05426580 M

Institution Address

18-18 Hazen St. East Elmhurst
N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 2 day of May, 2012, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Monte D. Zuck

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Monte S. Leach

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

-against-

New York City & New York State
OASAS and Saratoga Village Inn Wyke

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

___ Civ. ___ () ()

**REQUEST TO PROCEED
IN FORMA PAUPERIS**

I, Monte S. Leach, (print or type your name) am the plaintiff/petitioner in the above entitled case and I hereby request to proceed *in forma pauperis* and without being required to prepay fees or costs or give security. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, and that I believe I am entitled to redress.

1. If you are presently employed:
- a) give the name and address of your employer
 - b) state the amount of your earnings per month

Not employed

2. If you are NOT PRESENTLY EMPLOYED:
- a) state the date of start and termination of your last employment
 - b) state your earnings per month
- YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.**

unknown

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

NO

- a) Are you receiving any public benefits? ☒ No. ☐ Yes, \$ ____.
- b) Do you receive any income from any other source? ☒ No. ☐ Yes, \$ ____.

4. Do you have any money, including any money in a checking or savings account? If so, how much?

☒ No. ☐ Yes, \$ _____.

5. Do you own any apartment, house, or building, stock, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☒ No. ☐ Yes, \$ _____.

6. Do you pay for rent or for a mortgage? If so, how much each month?

☒ No. ☐ Yes, _____.

7. List the person(s) that you pay money to support and the amount you pay each month.

N/A

8. State any special financial circumstances which the Court should consider.

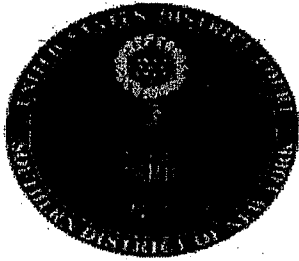
indigent and homeless detainee!

I understand that the Court shall dismiss this case if I give a false answer to any questions in this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of May, 2012.
date month year

Monte S. Cech
Signature



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRISONER AUTHORIZATION

Case Name: Monte S. Leach v. N.Y.S., N.Y.C., OASAS, Samaritan Village Center
(Enter the full name of the plaintiff(s)) (Enter the full name of the defendant(s))

Docket No: No. 12 Civ. 2141 (AJN)
(Enter the docket number, if available; if filing this with your complaint, you will not have a docket number.)

The Prison Litigation Reform Act ("PLRA" or "Act") amended the *in forma pauperis* statute (28 U.S.C. § 1915) and applies to your case. Under the PLRA, you are required to pay the full filing fee when bringing a civil action if you are currently incarcerated or detained at any facility. If you do not have sufficient funds in your prison account at the time your action is filed, the Court must assess and collect payments until the entire filing fee of \$350.00 has been paid, no matter what the outcome of the action.

SIGN AND DATE THE FOLLOWING AUTHORIZATION:

I, Monte S. Leach (print or type your name), request and authorize the agency holding me in custody to send to the Clerk of the United States District Court for the Southern District of New York, or, if this matter is transferred to another district court, to the Clerk of the transferee court, a certified copy of my prison account statement for the past six months. I further request and authorize the agency holding me in custody to calculate the amounts specified by 28 U.S.C. § 1915(b), to deduct those amounts from my prison trust fund account (or institutional equivalent), and to disburse those amounts to the United States District Court for the Southern District of New York. This authorization shall apply to any agency into whose custody I may be transferred, and to any other district court to which my case may be transferred and by which my poor person application may be decided.

I UNDERSTAND THAT BY SIGNING AND RETURNING THIS NOTICE TO THE COURT, THE ENTIRE COURT FILING FEE OF \$350.00 WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY PRISON TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED OR EVEN IF I VOLUNTARILY WITHDRAW THE CASE.

May 1st, 2012
Date signed

Mailed out May 2, 2012

Monte S. Leach
Signature of Plaintiff
113-110-1135-N 05420580 M
Prisoner I.D. Number

Riker Island Correctional Facility
Name of current facility